IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WA.No. 2813 of 2007()

AGAINST THE JUDGEMENT/ORDER IN OP.8870/1999 Dated 20/12/2005
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APPELLANT: PETITIONER IN THE O.P

R.SASIKUMARAN NAIR, HEADMASTER,
KARACODE UPPER PRIMARY SCHOOL,
PARASSALA, NEYYATTINKARA.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: RESPONDENTS IN THE OP.
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1. THE SECRETARY,
GENERAL EDUCATION (H) DEPARTMENT
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER,
NEYYATTINKARA.

4. THE ASSISTANT EDUCATIONAL OFFICER,
PARASSALA.

5. THE MANAGER,
KARACODE UPPER PRIMARY SCHOOL
KARODE POST, PARASSALA,
NEYYATTINKARA.

6. C.SUKUMARAN, UPPER PRIMARY ASSISTANT
MOHANLAL NIVAS, AYIPRA POST,
PARASSALA, NEYYATTINKARA.

BY ADV. SRI.P.G.RAJAGOPAL
GOVT. PLEADER SRI.BENNY GERVASIZ
ADV.SRI.ELVIN PETER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

W.A.No.2813 OF 2007

Dated this the 10th day of December, 2007

JUDGMENT

Radhakrishnan, J.

Heard learned counsel for the appellant and also the learned Government Pleader. Writ petition was preferred by the appellant herein seeking a writ of certiorari to quash Ext.P6, P8 and P11 orders. Petitioner also sought consequential reliefs. Learned Single Judge noticed that the petitioner retired from service and ordered that in case any of the parties have any surviving grievance, it will be open to them to pursue their remedies in the appropriate forum. Counsel for the appellant contended that on the date of occurance of vacancy, petitioner was fully qualified for appointment to the post of Headmaster. Reference was made to Ext.P11 order as well as Ext.P12 dated 08/09/1997. In Ext.P12 it is stated that in the case of any B.Ed degree by correspondence / Private/Summer school cum Correspondence course of any University including that of University of Mysore and Bhopal University through its Regional College of Education for which specific recognition has already been given by this University

shall be considered to be de-recognised with effect from 28/05/1999. Learned counsel for the appellant submits that since vacancy has occurred prior to the said date, appellant is qualified for appointment to the post of Headmaster. Without considering Ext.P12, Government has passed Ext.P11 order. In such circumstances we are inclined to quash Ext.P11 order and direct the Government to re-consider the issue afresh with notice to the petitioner and all other concerned parties and pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this judgment.

Writ Appeal is disposed of as above.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

sv.